

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1148.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF CHEESES.

At a stated term of the District Court of the United States for the Northern District of California, on the first Monday in November, 1909, the grand jurors of the United States within and for said district returned two indictments against Wieland Bros., a corporation in said district, charging shipments by it, on July 15, 1909, and June 29, 1909, in violation of the Food and Drugs Act of June 30, 1906, from the State of California into the State of Washington of a number of cheeses which were misbranded. The shipments made on or about July 15, 1909, consisted of 20 cases and half cases labeled, respectively, as follows: (On case) "Circle Brand French Cream Cheese. Neufchatel. Manufactured by the French Cheese Factory at Novato, Marin County, California, Wieland Bros., 311-315 Davis Street, San Francisco, California, Sole Agents." (Stamped on each cheese) "Neufchatel, Circle Brand Cream Cheese, Strictly Pure." (On case in large letters): "Circle Brand, French Cream Cheese, Fromage de Brie. (In small letters) Manufactured by the Novato French Cheese Factory at Novato, Marin County, California." Each case and cheese comprising the shipment made on or about June 29, 1909, was labeled as follows: "Fromage de Camembert, Circle Brand."

The indictments were based upon reports of the Secretary of Agriculture showing, from examinations by the Bureau of Chemistry, United States Department of Agriculture, of samples taken from each of said consignments, that the aforesaid products were of domestic manufacture. Misbranding was charged in said indictments for the reason that the above labels conveyed impressions that the said products were of foreign manufacture, when, in fact, they were of domestic manufacture, and the statements on the labels were, therefore, false and misleading. Misbranding was alleged further because the so-called "Neufchatel cheeses" and the "Fromage de Brie" were not cream cheeses as stated on the labels.

On March 8, 1910, the defendant corporation filed demurrer to each of said indictments, which demurrers were overruled, and the defendant thereupon entered a plea of not guilty. The cases coming on for trial before a jury, on April 5, 1911, the defendant corporation was found guilty, as charged in the indictments, whereupon the court imposed two fines against the defendant of \$50 each.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *September 29, 1911.*

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